

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEXANDRE ZDENEK DAVIS,

Defendant.

CR 22–106–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on May 4, 2022. (Doc. 34.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Alexandre Zdenek Davis’s guilty plea after Davis appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of

false statement during firearms transaction, in violation of 18 U.S.C. § 922(a)(6) (Count I), one count of false statement in application for passport, in violation of 18 U.S.C. § 1542 (Count III), and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1) (Count V), as set forth in the Superseding Indictment. (Doc. 8.) Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 34) is ADOPTED in full.

IT IS FURTHER ORDERED that Davis's motion to change plea (Doc. 26) is GRANTED and Davis is adjudged guilty as charged in Counts I, III, and V of the Superseding Indictment.

DATED this 19th day of May, 2023.



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Dana L. Christensen, District Judge  
United States District Court